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FROM: Melissa Handler, Ph.D.
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FACSIMILE NO.: (609) 252-4526
RE: BMS Reference: D0284 NP
US APPLICATION NO: 10/755,889
Reply to Non-Responsive Amendment

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CASE: D0284 NP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
STEVEN NADLER, ET AL
APPLICATION NO: 10/755,889
FILED: 01/13/2004
FOR: POLYNUCLEOTIDES AND POLYPEPTIDES ASSOCIATED WITH THE
NF-KB PATHWAY

ART UNIT: 1656
EXAMINER: MONSHIPOURI, MARYAM
CONFIRMATION NO: 1732

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NON-RESPONSIVE AMENDMENT

This Reply is filed in response to the Office Communication mailed November 7, 2006, sent in connection with the above-captioned application. This Reply is being timely filed within the one (1) month deadline of December 7, 2006.

In this Office Communication, the Examiner states that the reply received on September 7, 2006 is not fully responsive to the prior Office Action because the originally elected and examined claim 19 was directed to the method of use of BCL6 and newly amended claim 19 is directed to a method of use of DNA encoding said polypeptide, which is an entirely different and patentably distinct invention. Applicant respectfully disagrees with the Examiner for the following reasons.

Applicant filed a Response to Restriction Requirement on February 6, 2006 in which they provisionally elected to prosecute "the invention drawn to a method of decreasing NFkB pathway activity through inhibition of BCL-6 polypeptide expression (SEQ ID NO:18)" (See, Response at page 1, first section). In the subsequent Office Action mailed on May 3, 2006, the Examiner stated that "Applicant's response to restriction filed 2/6/2006 is acknowledged" (See, page 2, first section). Applicant's reply filed on September 5, 2006 with amended claim 19 is directed to the elected subject matter, namely, a method of decreasing NFkB activity comprising the step of inhibiting